

**AMENDMENTS TO THE CLAIMS:**

1. (Currently Amended) An image recording apparatus that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising:

a ~~detecting means~~ detector for detecting a capacity of said recording medium; and

a ~~setting means~~ setter for setting each of said unit areas to a larger size as the capacity detected by said ~~detecting means~~ detector is large.

2. (Currently Amended) An image recording apparatus according to claim 1, further comprising a ~~specifying means~~ specifier for specifying a recordable number of frames of said recording medium on the basis of the capacity detected by said ~~detecting means~~ detector, wherein said ~~setting means~~ setter sets the size of said unit area on the basis of the recordable number of frames specified by said ~~specifying means~~ specifier.

3. (Currently Amended) An image recording apparatus according to claim 2, wherein said image data is compressed image data compressed by rendering a predetermined size a target, and said ~~specifying means~~ specifier specifies said recordable number of frames on the basis of the capacity of said recording area and said target size.

4. (Currently Amended) An image recording apparatus according to claim 1, wherein said image data is motion image data formed by a plurality of screens of still images, and said ~~setting means~~ setter sets the size of said unit area in consideration of a bit rate of the motion image data.

5. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 1.

6. (Currently Amended) An image recording method that records image data on

Applicant(s): Shigeru Miki  
Application No.: 10/733,083  
Filing Date: December 11, 2003  
Docket No.: 362-86  
Page 3

a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising the steps of:

(a) detecting a capacity of said recording medium; and

(b) setting each of said unit areas to a larger size as the capacity detected in said step

(a) is large.

7. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 2.

8. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 3.

9. (Previously Presented) A digital camera provided with the image recording apparatus according to Claim 4.